



July 1, 2019

District Attorney Krishna Abrams
675 Texas Street, Suite 4500
Fairfield, CA 94533-6340
SolanoDA@SolanoCounty.com

Via Email

**Re: Request to investigate and enjoin persistent violations of the Ralph M. Brown Act
by the Vallejo City Council**

Dear District Attorney Abrams:

Pursuant to Cal. Gov. Code sec. 54960, we write to request that you commence an investigation into repeated violations of the Ralph M. Brown Act ("Brown Act") by the Vallejo City Council. We further request that you seek equitable judicial relief to stop future violations.

Our non-comprehensive review of the city's practices has uncovered four significant violations of the Brown Act by the Vallejo City Council in 2019 alone. We detailed three of these violations to you in letters dated April 4, June 13 and June 17, 2019. In each instance, we received a response from Vallejo City Attorney Claudia Quintana: none proved persuasive; to the contrary, we have grown increasingly concerned about the quality and independence of advice the city attorney furnishes the council regarding the Brown Act, as well as other laws affecting residents' civil rights.

That is why we are writing to you directly regarding the past violations above, as well as a violation that occurred during the June 25, 2019 meeting of the Vallejo City Council.

For months, Vallejo residents have implored their city council to engage in a serious discussion regarding the Vallejo Police Department's policies, patterns and practices. Principal among those seeking engagement are the families of those killed or otherwise harmed by Vallejo police officers acting under color of law; some of these individuals have been requesting redress for years. To the best of our knowledge, no meaningful discussion has been agendized.

The June 25, 2019 violation became evident late in the evening, during what was supposed to be a routine report by Vallejo City Manager Greg Nyhoff. As you know, city managers' reports are supposed to briefly cover informational items that do not call for extended discussion by a legislative body. They are frequently used to present routine information about new hires, retirements, community events, and so on.

Mr. Nyhoff illegally used his June 25, 2019 report to build a consensus of the council on the issue of misconduct by Vallejo police. His 10-minute unagendized discussion analyzed the department's use of force practices, Vallejo's high rate of civil rights settlements, and the city's loss of its municipal insurance coverage

— all topics of overwhelming public interest. Since at least February of this year, Vallejoans have turned out in numbers to city council meetings in an attempt to be heard on these very topics; it is not unusual to observe one or more speakers tearfully pleading with the council to hear them.

Mr. Nyhoff's presentation was obviously pre-planned, as evidenced by the inclusion of informational slides analyzing years of city data. Moreover, Vallejo Mayor Bob Sampayan alluded to the existence of Mr. Nyhoff's detailed report prior to its delivery, evidencing prior awareness and/or planning on his part. Mr. Nyhoff's response to Mayor Sampayan suggests he also intends to use the July 9, 2019 city council meeting to engage in an additional unagendized discussion.

A substantive discussion of this nature must be agendized to afford members of the public an opportunity to be heard. Instead, the city council allowed (or arranged) for an extensive staff report on the most controversial issue in Vallejo without agendizing the topic and affording the public an opportunity to comment. Neither the city attorney nor the city council took any action to stop the city manager's soliloquy. In addition, a number of Mr. Nyhoff's statements were factually misleading.

You can find an official video of the June 25, 2019 city council meeting [here](#). Mayor Sampayan's and Mr. Nyhoff's remarks begin at 05:14:10. You can find the slides on which Mr. Nyhoff relied [here](#).

Mr. Nyhoff's brazen subornation of the Brown Act demands your immediate attention. The city council's continued acquiescence can no longer go unchecked. Our city attorney appears to favor the status quo.

Public participation is fundamental to our system of democratic self-governance; impunity is incompatible with it. "The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." Cal. Gov. Code sec. 54950.

There is no reason why Vallejo should continue to be a disenfranchising backwater plagued by incompetence, opacity and graft. The people of this city can fix our own problems *if* we can access the democratic means guaranteed to us by law. But your intervention is needed. We respectfully request that you proactively and forcefully remind Vallejo's city council, city manager and city attorney of their obligations under the laws of the State of California.

Thank you.

Sincerely,
Open Vallejo

cc: Vallejo City Council
California Department of Justice, Civil Rights Enforcement Section